

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GEORGE A. JACKSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C. A. No. 05-823-***
	)	
STANLEY TAYLOR, et al.,	)	JURY TRIAL REQUESTED
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME  
TO RESPOND TO PLAINTIFFS' DISCOVERY REQUESTS**

1. The plaintiffs are inmates incarcerated and under the supervision of the Delaware Department of Correction ("DOC") housed at the Sussex Correctional Institution ("SCI") Georgetown, Delaware.

2. On or about December 1, 2005, the inmate plaintiffs under the direction of plaintiffs George Jackson, Darus Young and Charles Blizzard commenced this action by filing a Complaint pursuant to 42 U.S.C. §1983 with leave to proceed *in forma pauperis* alleging Eighth and Fourteenth Amendment Due Process violations against the following defendants: Stan Taylor, Joyce Talley and Carol Anson. (D.I.#2). Lead plaintiff George Jackson ("Jackson") claims the plaintiffs are subject to unsanitary and harmful conditions in the SCI kitchen where they are employed. *Id.* They claim that the kitchen conditions present an "imminent danger" to the health and well being of the inmates. *Id.* The plaintiffs have requested class action status as well as declaratory and injunctive relief. *Id.*

3. On or about May 12, 2006, by Memorandum Order the Delaware Department of Corrections was dismissed. (D.I.#102). On or about July 11, 2006, Jackson filed discovery

requests for Production of Documents and Interrogatories. (D.I. ##105, 106). On or about September 8, 2006, counsel for defendants filed an Entry of Appearance and an Answer. (D.I.##112,113). On or about September 22, 2006, Jackson filed a Motion to Amend to add additional defendants. (D.I. #117). On or about October 10, 2006, Jackson's motion was granted. (D.I.#118). On or about November 24, 2006, Jackson re-filed discovery requests for Production of Documents and Interrogatories.(D.I.##128, 129).

4. Counsel is aware that Fed.R.Civ.P. 33(b)(3) and 34(b) require a response to discovery requests within thirty (30) days; however, due to the increase of litigation within the Correction Unit as well as preparing for a bench trial held two weeks ago in the District Court counsel is unable at this time to meet the December 26, 2006, deadline for filing discovery responses. Deputy Attorney General Eileen Kelly, requests an extension of time of 30 days from the December 26<sup>th</sup> date or until on or before January 23, 2007, in which to file defendants' responses to plaintiffs' discovery requests.

5. This is defendants' first request for an extension of time for filing a response to plaintiffs' discovery requests.

6. A form of order is attached to this motion that will grant the defendants a thirty (30) day extension from December 26, 2006, date until on or before January 23, 2007, to file defendants' responses to plaintiffs' discovery requests.

WHEREFORE, for the hereinabove reasons, the defendants respectfully request that this Court grant defendants' request for an extension of time and set the deadline for filing discovery responses on or before January 23, 2007.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly  
Eileen Kelly, ID#2884  
Deputy Attorney General  
Department of Justice  
State of Delaware  
Carvel State Office Building  
820 North French Street, 6th fl.  
Wilmington, DE 19801  
(302) 577-8400

Attorney for Defendants

Dated: December 19, 2006

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GEORGE A. JACKSON, et al.,	)	
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Plaintiffs,	)	
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	)	
Defendants.	)	

**7.1.1 CERTIFICATION OF COUNSEL**

The counsel for the Defendants, Deputy Attorney General Eileen Kelly, files this certification in compliance with Rule 7.1.1 of the Local Rules of Civil Procedure and certifies that:

1. Plaintiffs are inmates incarcerated in the Delaware Correctional system, at the Sussex Correctional Institution, Georgetown, Delaware.

2. Since the plaintiffs are not able to be reached by telephone counsel for the defendants has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.

3. She assumes that the motion is opposed.

DEPARTMENT OF JUSTICE  
STATE OF DELAWARE

/s/ Eileen Kelly  
Eileen Kelly, ID #2884  
Deputy Attorney General  
Department of Justice  
State of Delaware  
820 N. French St.  
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(302)577-8400

Dated: December 19, 2006

Attorney for Defendants

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**16.5 CERTIFICATION**

In compliance with Local Rule of Civil Procedure 16.5, counsel for the Defendants making the request for an extension of time files this certification and states:

I certify that I have sent a copy of the request for an extension of time to file discovery responses to the defendants.

DEPARTMENT OF JUSTICE  
STATE OF DELAWARE

/s/ Eileen Kelly  
Eileen Kelly, ID#2884  
Deputy Attorney General  
Department of Justice  
820 N. French St.  
Wilmington, De 19801  
(302)577-8400  
Attorney for Defendants

Dated: December 19, 2006

***CERTIFICATE OF SERVICE***

I hereby certify that on December 19, 2006, I electronically filed *Defendants Stanley Taylor, Joyce Talley and Carl Anson's Motion for Enlargement of Time to Respond to Plaintiffs' Discovery Requests* with the Clerk of Court using CM/ECF. I hereby certify that on December 19, 2006, I have mailed by United States Postal Service, the document to the non-registered parties on the attached list.

/s/ Eileen Kelly  
Eileen Kelly, ID#2884  
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**List of Non-Registered Parties**

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